

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

**NOKIA TECHNOLOGIES OY,
Plaintiff,**

v.

**LENOVO (SHANGHAI) ELECTRONICS
TECHNOLOGY CO. LTD., LENOVO GROUP,
LTD., LENOVO BEIJING, LTD., LENOVO PC
HK LIMITED, AND LENOVO (UNITED
STATES), INC.,**

Defendants.

CIVIL ACTION NO. 19-CV-427

**DEFENDANT LENOVO (UNITED STATES) INC.'S
MOTION TO STAY**

Pursuant to 28 U.S.C. § 1659(a) and the Court's inherent authority, Defendant Lenovo (United States) Inc. ("Lenovo United States") respectfully requests an order staying the present litigation until any determination by the United States International Trade Commission ("ITC") in *Certain Electronic Devices, Including Computers, Tablet Computers, and Components and Modules Thereof*, Inv. No. 337-TA-1208 (the "ITC Investigation") becomes final;

WHEREAS, in this case, Plaintiff Nokia Technologies Oy ("Nokia") alleges that Lenovo United States has infringed eleven United States patents: U.S. Patent Nos. 7,532,808 ("the '808 Patent"), 6,950,469 ("the '469 Patent"), 7,280,599 ("the '599 Patent"), 8,036,273 ("the '273 Patent"), 8,144,764 ("the '764 Patent"), 6,968,005 ("the '005 Patent"), 6,856,701 ("the '701 Patent"), 9,800,891 ("the '891 Patent"), 7,724,818 ("the '818 Patent"), 7,263,125 ("the '125 Patent"), and 8,583,706 ("the '706 patent");

WHEREAS, on July 2, 2020, Nokia filed a complaint against Lenovo United States in the

ITC, asking the ITC to institute an investigation into whether Lenovo United States has violated 19 U.S.C. § 1337 based on alleged infringement of five of the patents—the ’764, ’808, ’469, ’818, and ’706 patents—that Nokia asserts in this case (the “overlapping patents”);

WHEREAS, Nokia did not assert the other patents at issue in this case—the ’599, ’273, ’005, ’701, ’891, and ’125 patents—in its ITC complaint (the “non-overlapping patents”);

WHEREAS, on August 4, 2020, the ITC instituted the ITC Investigation with respect to the overlapping patents;

WHEREAS, the parties are currently working with the Court-appointed Mediator, Hon. Jose Linares;

WHEREAS, Lenovo United States is entitled to, and respectfully requests, a mandatory stay of this case with respect to the overlapping patents pursuant to 28 U.S.C. § 1659(a) until the determination of the Commission in the ITC Investigation becomes final;

WHEREAS, with respect to the non-overlapping patents, Lenovo United States respectfully requests an order pursuant to the Court’s inherent authority suspending all deadlines adopted by the Court and staying the present litigation until the determination of the Commission in the ITC Investigation becomes final to mitigate unnecessary burdens on the parties and the Court, except that the September 21, 2020 deadline for Conclusion of Initial Mediation (*see* ECF 71) shall remain in effect, and the mediation process shall continue until such time as the Mediator reports to the Court that the mediation has been unsuccessful or successful;

WHEREFORE, Lenovo United States respectfully requests that this Court issue an order suspending all deadlines adopted by the Court and stay the present litigation until the determination of the Commission in the ITC Investigation becomes final, except that the September 21, 2020 deadline for Conclusion of Initial Mediation shall not be stayed and the

mediation process shall continue until such time as the Mediator reports to the Court that the mediation has been unsuccessful or successful.

Respectfully submitted this the 24th day of August, 2020.

DATED: August 24, 2020

Respectfully submitted,

/s/ Jacob S. Wharton

Hayden J. Silver III, NCSB No. 10037
WOMBLE BOND DICKINSON (US) LLP
555 Fayetteville Street, Suite 1100
P.O. Box 831
Raleigh, North Carolina 27601
Telephone: (919) 755-2188
E-mail: jay.silver@wbd-us.com

Jacob S. Wharton, NCSB No. 37421
Ana J. Friedman, NCSB No. 53117
WOMBLE BOND DICKINSON (US) LLP
One West 4th Street
Winston-Salem, North Carolina 27101
Telephone: (336) 747-6609
E-mail: jacob.wharton@wbd-us.com
ana.friedman@wbd-us.com

William F. Lee
Richard W. O'Neill
Sarah R. Frazier
WILMER CUTLER PICKERING HALE
AND DORR LLP
60 State Street
Boston, Massachusetts 02109
Telephone: (617) 526-6000
Email: william.lee@wilmerhale.com
richard.o'neill@wilmerhale.com
sarah.frazier@wilmerhale.com

Todd C. Zubler
WILMER CUTLER PICKERING HALE

AND DORR LLP
1875 Pennsylvania Avenue NW
Washington, DC 20006
Telephone: (202) 663-6000
Email: todd.zubler@wilmerhale.com

Counsel for Lenovo (United States) Inc.

CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2020, a true and correct copy of the above and foregoing LENOVO (UNITED STATES) INC.'S MOTION TO STAY was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification to the attorneys of record for all parties.

/s/ Jacob S. Wharton

Hayden J. Silver III, NCSB No. 10037
WOMBLE BOND DICKINSON (US) LLP
555 Fayetteville Street, Suite 1100
P.O. Box 831
Raleigh, North Carolina 27601
Telephone: (919) 755-2188
E-mail: jay.silver@wbd-us.com

Jacob S. Wharton, NCSB No. 37421
Ana J. Friedman, NCSB No. 53117
WOMBLE BOND DICKINSON (US) LLP
One West 4th Street
Winston-Salem, North Carolina 27101
Telephone: (336) 747-6609
E-mail: jacob.wharton@wbd-us.com
ana.friedman@wbd-us.com

Counsel for Lenovo (United States) Inc.